

ORIGINAL

DIY Form

US DISTRICT COURT (EDNY)J.W. ~~CIVIL COURT OF THE CITY OF NEW YORK~~
~~COUNTY OF NEW YORK~~Index No. 1:15-CV-05551-RJD-PK**U.S. Commodity Futures Trading Commission,**
Plaintiff,**DEFENDANT JOHN WON'S MOTION**~~AFFIDAVIT IN SUPPORT OF AN~~J.W. ~~ORDER TO SHOW CAUSE~~**To Vacate a Judgment For Failure
to Appear**

– against –

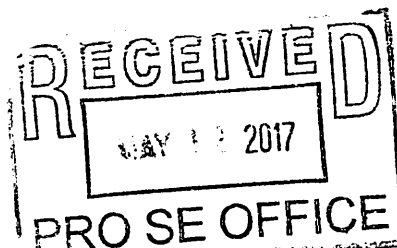
**Safety Capital Management, Inc. dba: forexnpower
GNS Capital, Inc.
dba: forexnpower
Tae Hung Kang aka: Kevin Kang
Sungmi Kang
John H. Won,**

Defendant.

Movant's address:1930 Parsons Blvd., Apt.
2nd floor
Whitestone, NY, 11357**State of New York, County of New York ss.:**

JOHN WON, being duly sworn, deposes and says:

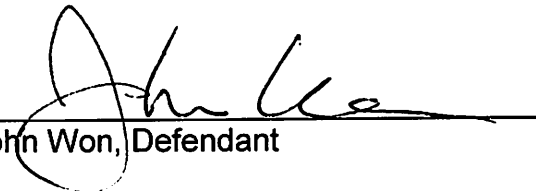
1. I am a defendant and I am making this request in support of the Order to Show Cause to vacate a default judgment.
2. I missed my last court date because of the following excusable default(s):
 - a. I had an unexpected conflict at work or with childcare.
 - b. The Plaintiff told me not to come.
 - c. I never received notice of the new court date.
 - d. i was never personally served and person whom was served did not know who it was for. the name listed as defendants are not correct and wrong company as the defendant. I had to take care of my disable son the day of court and also, i've explain the errors of complain to the plaintiff months before being served over the phone. they had all my contact information at the time but did not contact me of any intent only after the default judgement by the court.
3. I have the following meritorious defense(s):



- a. I have paid some or all of the money due, and do not owe the Plaintiff that much money.
 - b. Violation of the duty of good faith and fair dealing.
 - c. None of Plaintiff's accusations are correct and directed at the wrong entity and my self. i have explain this to the plaintiff and was told to me she understood but apparently gone ahead without my knowlege to file this case.
4. I want to tell the judge the following: The Plaintiff is trying to get rid of me from testifing for the same case involving other major defendents in this case by excluding me first knowing i won't be able to defend my self or answer without the other defendents named in this case as i have explain this to them and willingness to co-operate fully. all they had to do is contact me as i have try to do calling Linda Y. Peng and the other associates from CFTC. I believe they are taking my co-operation and phone conversation with CFTC, Linda Y. Peng whom has admitted not knowing any wrong doing by any of the defendents. but decied to falsely accuse the defendents from individuals trying to use CFTC to undermind the defendents with false informations and accusations.
5. I receive social security disability (SSD) benefits, which are exempt from collection.
6. I have not asked for a previous Order to Show Cause in this case.

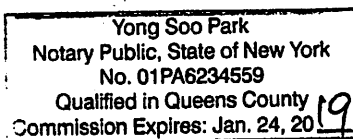
Relief

7. WHEREFORE, I request that the judge vacate any judgment, lift any and all restraints and executions, order restitution, and upon vacatur, restore the case to the calendar, grant me permission to serve these papers myself, and grant me such other and further relief as may be just.


John Won, Defendant

Sworn to before me this 12th day
of May, 20 17.


Notary Public or Court Clerk



CC: DAVID ACEVEDO

W. DEREK SHAKABPA

INFORMATION ABOUT YOUR DEFENSES

You paid some or all of the money due and you do not owe the plaintiff that much money. Use this defense when you have paid all or part of the money that the plaintiff is suing you for. You should not have to pay it again. Whether this is a full or partial defense to the lawsuit depends on how much of the debt you have paid.

Violation of the duty of good faith and fair dealing. You can use this defense when you think that you have tried to take care of this debt in a fair way, but the other side has not been fair or was not honest with you.

Protected Income. Protected income is not a defense, but some money can't be taken from you for payment of debts. The plaintiff can still get a judgment against you but you will not have to pay the judgment unless your situation changes. For example, if you get a job or win the lottery, then you will have to pay the judgment. Bring proof to show the judge where you get your money.